



THE INSTITUTE on Religion and Public Policy

Religious Freedom in the People's Republic of China

Executive Summary

(1) China began opening up to the world in the 1980s. Although this move was primarily intended to develop China's economy, it also led to some improvements for religious freedom and human rights. However, China still fails to comply with international standards. The government's actions do not reach the level of the atrocities committed during the Cultural Revolution, but they continue to systematically and egregiously restrict religious liberty. The greatest abuses fall upon minority religious groups and groups the government deems a threat to their hold on power. More specifically, the groups that have been subject to the greatest restrictions include Tibetan Buddhists, "underground" Roman Catholics, "house church" Protestants, Uigher Muslims, and assorted spiritual movements such as the Falun Gong. Some of the restrictions these groups have faced include pervasive monitoring of house churches, limits on the creation of new religious venues, prohibitive registration systems, and interference with the internal operations of religious organizations. In some instances, these restrictions have escalated to outright confiscation of property, imprisonment, forced labor, beatings, and torture.

THE INSTITUTE on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, THE INSTITUTE on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. THE INSTITUTE works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. THE INSTITUTE encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Religious Demographics

(3) China has a population of 1.33 billion. While the country has been officially atheist since the ascendancy of the Chinese Communist Party to power in 1949, around a third of all citizens over the age of 16 report to holding religious beliefs. At the same time, little more than a fifth of the country's adults consider themselves religiously affiliated. The Government officially recognizes only Buddhism, Taoism, Islam, Catholicism, and Protestantism, though other religions are also represented in the population. Between 11 and 16 percent of the population identifies as Buddhist. 3 to 4 percent are Christian, 1 to 2 percent are Muslim, while less than one percent of reported to being Taoist. Among Christians, Protestants significantly outnumber Catholics. Due to the nature of Chinese politics, precise statistics on China's religious demographics can be difficult to obtain, and independent estimates often differ significantly with official figures.

Historical Background

(4) China's religious history is as rich and complex as the history of Chinese civil society. The most prominent native religious tradition in China is Taoism; Confucianism, which is usually considered a philosophical system and not a religious tradition, is also native to China. In addition to the native religious belief systems, many religious traditions that began outside the country's borders came into China and were quickly adopted by the local cultures, the most significant of which is Buddhism. Islam came into China through the trade routes along the Silk Road. Finally, Christianity and Judaism came in through the influence of European and American explorers. Thus, China has housed a wide variety of religious beliefs for centuries. China's religious groups faced the same upheaval the rest of the country faced with the fall of the Qing dynasty in 1911 and transition into the Republican Era.

(5) However, religious communities' suffering increased exponentially when Mao Zedong took control in 1949. Mao was a firm believer in the Communist rhetoric that "religion is the opiate of the masses," and he began a comprehensive campaign to quash all religious belief and practice in China. The Cultural Revolution was an era marked by a drought of religious belief and expression, except for the quasi-religious cult of personality surrounding Mao.

Introduction to Legal Status

(6) Although the post-Mao era has seen significant changes and relaxed policies, religious freedom has not progressed as extensively as China's economy. China's Constitution does protect religious freedom in Article 36 which states, "citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion". While this portion of the Constitution allows for a citizen to maintain a belief of his or her choosing, it does not explicitly protect the expression of religious belief. Article 36 delimits the protections for religious expression that are granted by the state: "[t]he state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state". Therefore, the Constitution only protects religious expression through activities that are deemed "normal" by the state.

(7) In addition, the third allowance for state restriction of religious activity, which prohibits activities that "interfere with the educational system of the state," does not comply with international standards for religious freedom. The International Convention on Civil and Political Rights states that religious freedom can only be limited to "protect public safety, order, health, or morals or the fundamental rights and freedoms of others". Thus, restricting religious liberty to protect the "educational system of the state" is an inappropriate exception and may indicate China's unwillingness to adhere to the obligations set forth in the ICCPR.

(8) In addition to the Constitution, the government maintains a series of additional laws regulating religion. The National Regulations on Religious Affairs (NRR) were first promulgated in March 2005 and were updated in 2007. Most notably, these regulations grant the government significant control over religious affairs by requiring religious groups to register with a government-approved religious association, of which there are seven. The NRR also contains national security provisions that provide the government with significant latitude for restricting freedom and implementing harsh punishments for violators of laws that are often vague, or even unwritten. Moreover, China's laws on religion contain provisions prohibiting religious groups from being "subject to foreign domination," creating problems for the many religious groups affiliated with a foreign hierarchy, such as the Roman Catholic Church.

(9) Even though a religious group may be appropriately registered with a government-approved religious association, they may still be subject to restriction and discrimination. The Chinese Patriotic Catholic Association(CPCA) may not recognize the authority of the Holy See without violating the Constitution's prohibition against "foreign domination". This presents a problem for clergy ordinations and appointments, which are supposed to be approved by the Vatican. There therefore exist many unregistered Catholic congregations in China that will only recognize the Vatican's authority in appointing bishops and priests. However, the Chinese government has been slowly attempting to mend relations with the Vatican and has quietly allowed many CPCA priests and bishops to receive Vatican approval. In September 2007 a group of bishops were ordained in Beijing and Guizhou with approval from both Beijing and the Vatican. According to the Chinese, full restoration of diplomatic relations is dependent upon the Vatican ending its diplomatic ties with Taiwan.

Specific Instances of Religious Persecution

(10) China has maintained a policy of promoting groups that it sees as non-threatening, or even beneficial due to their provision of social services, while pressuring and persecuting those organizations deemed threatening due to their foreign affiliation or presumed association with regional separatist movements and terrorism. In enacting this policy, the Chinese government has consistently failed to distinguish between the peaceful and ordinary operations of religious organizations and challenges to their political authority and has clearly impinged upon the liberty of its citizens to practice religion without fear of official abuses ranging from unwarranted detentions to torture and death.

(11) Promotion of non-threatening groups has grown in recent years, as China seeks to channel and regulate the religious actions of its citizens. The government has even begun to promote the actions of certain religious groups who provide social services to the direct material benefit of the Chinese people. This policy represents a marked shift from that of recent years; religious groups that attempted to provide humanitarian aid for the victims of the May 2008 earthquake in Sichuan Province found themselves subject to detentions, interrogations, and fines, as well as government accusations of being involved in "illegal religious activity". However, In 2009 the Chinese government shifted its stance, issuing a new National Human Rights act plan in which it stated that it would "encourage and support religious circles in launching social welfare programs [and] exploring methods and channels for religions to better serve society and promote the people's well-being." After the April 14 2010 earthquake in the Qinghai Province, China's State Administration for Religious Affairs issued an open letter thanking religious institutions for their efforts and prayers, as well as requesting additional donations.

(12) Simultaneously, the Chinese government has continued the recent policy of promoting and controlling religious entities that have registered as "patriotic religious associations". There are seven PRAs in China, representing the five recognized religions of Buddhism, Taoism, Catholicism, Protestantism, and Islam. The Congressional Executive Commission on China has stated that the PRAs function as a vehicle for the Chinese Communist Party to "exercise authority over registered religious groups in matters ranging from dictating doctrine to controlling clergy appointments". In February of 2010 Jia Qinglin, the fourth highest-ranking member of the Politburo Standing Committee, met with representatives of six PRAs and spoke of the CCP's desire to "diligently train a corps of qualified religious personnel who are politically reliable". Jia later praised the PRAs for "resolutely resisting outsiders who use religion to carry out various infiltration activities against us".

(13) Unaffiliated groups have difficulty registering independently, as the limited number of existing associations indicates, and are pressured to join an already existing PRA. The treatment of unregistered

religions has varied by the region and the group involved. In some areas, Protestants and Catholics attending unregistered services or engaging in religiously affiliated social welfare programs have been detained, while in other locations they met with only limited interference. Certain groups that appear to pose no threat to the political authority of the CCP have received a limited reprieve from official pressure, and the government has reached out in particular to a delegation of Protestant “house church” leaders, which asked to be allowed to register as a religious entity outside of the PRAs.

(14) However, religious organizations that China claims are connected to “terrorism, separatism, and religious extremism” are subject to harsh methods of persecution. Practically speaking, this allows the CCP to target groups which they find challenging due to either their foreign affiliation, association with regional separatist movements, or, in the case of what the CCP labels “evil cults,” promotion of a belief system that government feels is inherently opposed to their conception of a harmonious society.

(15) The Roman Catholic Church is perhaps the largest group receiving official pressure under the law proscribing religious organizations subject to “foreign domination”. The CCP’s attempts to control the investiture of clergy conflicts with the Vatican’s traditional authority; as such, a sort of underground church has developed which faces persistent persecution despite the afore-mentioned progress in the relationship between the Chinese government and the Vatican. From this “underground church”, at least ten priests are thought to be imprisoned or in forced labor camps; many bishops are obstructed in their ministry, and three have been missing for years. The missing bishops are: James Su Zhimin, aged seventy-five, who disappeared in 1996; eighty six year old Cosma Shi Enxiang, who was arrested in 2001 and has spent thirty years in prison; and Julius Jia Zhiguo, aged 74, who was detained March 2010.

(16) Leaders of “house churches”, so called because congregations gather in homes, as they are banned from meeting in non-residences, have faced similar treatment. Uyghur Christians have suffered particularly from this form of persecution, as the CCP seems to believe that they represent a separatist threat. Uyghur Christian leader Alimjan Yimit was sentenced to fifteen years in prison for “providing state secrets to overseas organizations.” The charge appears to be unsubstantiated; Alimjan was originally detained for “inciting secession”, and some critics of his treatment allege that he has been beaten in prison.

(17) Suspicion of separatist ties strongly influences China’s treatment of religious groups. The Tibetan Autonomous Region (TAR) and the Xinjiang Uigher Autonomous Region (XUAR) are areas of particular abuse. The NRRA has additional restrictions and penalties in these regions, and the government actively pursues a campaign of “patriotic education” among monks, nuns, and imams designed to create clergy who demonstrate intense loyalty to the CCP and the Chinese government. The government uses the “patriotic education” courses to ensure that clergy will not be involved in any separatist activities. In addition to influencing the ideologies of clergy in these regions, local government officials are authorized to monitor their speeches, publications, and other activities for any signs of reduced loyalty.

(18) Restrictions used in the TAR give the government control over all aspects of Tibetan Buddhist belief and practice, but particularly over monk and nun training, building religious venues, and conducting large gatherings. A regulation issued in September 2007 gives the government direct control over reincarnated lamas. This is particularly problematic because it will allow the Chinese to choose the next Dalai Lama based on Chinese political and legal principles rather than Tibetan Buddhist religious principles.

(19) In response to intense persecution in the XUAR, many Muslims have organized peaceful demonstrations, for which they have been arrested, beaten, fined, and imprisoned. The government enforces serious restrictions on attending religious events. Women, children, communist party members, and government employees are forbidden from attending. Moreover, adults are prohibited from teaching Islam to children under 18 years old, and they can incur criminal liability if they subvert this law. Imams are subject to the same “political education” class requirements as are Tibetan monks and nuns. In addition to the classes, imams must meet with Public Security officials so their sermons can be reviewed.

(20) Along with Uyghur Muslims and Tibetan Buddhists, the followers of Falun Gong are subject to what the State Department refers to as persistent “detention and abuse”. The Falun Gong movement is banned in China, and described by the government as an “evil cult” that is “opposed to the Communist Party of China and the central government, [and] preaches idealism, theism and feudal superstition”. Sources involved in Falun Gong claim that thousands have been sent to prison, that practitioners make up half the population of “re-education” camps. More than 3,000 are confirmed to have died as a result of their treatment in prison. Falun Gong sources claim tens of thousands of unconfirmed deaths, often through torture, and that some among the dead were harvested for organs. Practitioners are convicted at a remarkable rate, and lawyers who defend them are subject to harassment, intimidation, torture, and the revocation of their legal licenses. On June 10, 2010, two prominent human rights lawyers who represented practitioners of Falun Gong received notice of disbarment for having “seriously disturbed court order and interfered with normal legal proceedings”.

U.S Foreign Policy towards China

(21) Over the past seven administrations, U.S. foreign policy towards China has focused on integrating China into a global system and requiring China to become a responsible stakeholder in the international community. As part of this policy, the U.S. has encouraged China to improve its human rights record, including its religious freedom record. However, with the recent economic downturn, economic issues have become the most important aspect of Sino-US relations.

(22) In February 2009, Secretary Clinton met with Chinese officials; their talks focused primarily on the economic crisis and strengthening bilateral relations. Following these discussions, many inferred that U.S. human rights concerns (including religious freedom) will be addressed in “back-door” or behind-the-scenes forums. In May 2010, the United States held its first dialogue on human rights with China, with a particular focus on “religious freedom and rule of law”.

(23) The State Department “regularly urge(s) the Government to implement greater religious freedom in the country”. In 1999 the Secretary of State labeled China as a “‘Country of Particular Concern’ (CPC) under the International Religious Freedom Act for particularly severe violations of religious freedom”.

Conclusion

(24) China maintains one of the worst records on religious freedom in the world. In addition to the complicated and vague legal structures in place that inhibit religious practice, the government actively pursues campaigns designed to persecute religious groups. This persecution includes surveillance, harassment, fines, arrest, beatings, imprisonment, and torture. China’s laws do not comply with international norms and their implementation policies completely abrogate all international standards

for religious freedom. Although there have been improvements since the Maoist era, China remains an egregious violator of religious freedom and corresponding human rights.